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**for January 14, 2014**

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## *Chesapeake Bay*

### **New York, Maryland, Delaware Increase Nitrogen Discharges into Chesapeake Bay**

Nitrogen discharges from industrial facilities and municipal wastewater utilities in Delaware, Maryland and New York in 2012 continued to exceed the discharges allowed under a federal cleanup plan for the Chesapeake Bay, according to an...

## *Drinking Water*

### **West Virginia Chemical Maker Faces Lawsuits Over Spill at Charleston**

A West Virginia chemical maker was sued along with a local water company over a spill into the Elk River in the state's capital, Charleston, that left businesses and residents without tap water for days (Miller v. Freedom Industries Inc.,...

## *Drinking Water*

### **West Virginia Lifting Water Use Ban After Spill That Fouled Drinking Water**

West Virginia has started to lift its ban on using Charleston's public water supply after testing showed reduced levels of a chemical that leaked into supplies five days ago forcing officials to tell 300,000 people not to drink from their...

## *Water Pollution*

### **Congress Should Consider Giving EPA Authority Over Farm Discharges, GAO Says**

Congress should consider revising the Clean Water Act to allow mandatory controls on pollution from agriculture as part of changes to the federal total maximum daily loads program, according to a Government Accountability Office report...

## *Water Pollution*

## Leaked Draft of Water Jurisdiction Rule May Not Be Final EPA Position, Vilsack Says

A draft rule asserting broader Clean Water Act jurisdiction over U.S. waters and wetlands does not necessarily reflect the final position of the Environmental Protection Agency, Agriculture Secretary Tom Vilsack told a farming group Jan....



Inside EPA's **Risk Policy Report**, 01/14/14

<http://insideepa.com/Risk-Policy-Report/Risk-Policy-Report-01/14/2014/menu-id-130.html>

## GAO Urges Congress To Bolster Regulation Of Nonpoint Source Pollution

The Government Accountability Office (GAO) is calling on Congress to expand what it says is limited regulation of nonpoint source water pollution and end the traditionally voluntary approach to curbing the runoff, saying that EPA's existing process is inadequate to protect impaired waters and is leaving the Clean Water Act's goals "unfulfilled."

## EPA Stresses Prioritization In New

## 'Vision' For Impaired Waters Program

EPA's recently finalized long-term vision for the Clean Water Act (CWA) program to identify and clean up impaired waters stresses states' ability to prioritize water quality efforts and use "alternative approaches" to address lower-priority waters, shifting the program from exclusively focusing on cleanup plans known as total maximum daily loads (TMDLs).

## OMB Said To Seek EPA Clarity On When Waters Have 'Significant' Nexus

White House budget officials are reportedly asking EPA to clarify whether the "significance" of a connection, or nexus, between smaller waterbodies and larger downstream waters marks a technical or policy issue -- echoing questions raised by industry and EPA advisers who fear the agency may not be adequately weighing the issue as it works to clarify the reach of the Clean Water Act (CWA).

## Industry Appeal Of Mining Suit Seeks To Preserve CWA Permit 'Shield'

**Mining industry groups are urging an appellate court to reverse a 2013 ruling that held a mining company liable for selenium discharges despite its claim that it did not know that its operations could potentially discharge selenium when it applied for a Clean Water Act (CWA) permit -- a decision the company and its allies warn could narrow the so-called "permit shield"**

**in the water law.**



## **MARINE MAMMALS:**

# **Increase in noise hurts whales in Atlantic**

Published: Monday, January 13, 2014

Researchers and environmentalists are worried about how the increase of traffic and activity along the eastern United States may negatively affect marine mammals.

The problem is the noise made by passing ships, marine construction and sonar and seismic testing. According to research, the noise may affect both marine life and commercial fishing. Both marine mammals and fish may find it more difficult to find food and mates, as well as avoid predators.

Whales use sound to communicate, said Michael Jasny, director of the Marine Mammal Protection Project at the Natural Resources Defense Council.

"Before the rise of shipping, a blue whale could hear another blue whale calling across an ocean basin," he said.

But now, the noise has disrupted whale behavior. Researchers say that in some cases, it can lead to strandings, injuries and deaths.

Last year, the National Marine Fisheries Council announced regulations meant to protect marine mammals during seismic and sonar testing in the Atlantic Ocean and the Gulf of Mexico and around Southern California and Hawaii. The agency's approval of the West Coast plans has been challenged by environmentalists ([Greenwire](#), Dec. 17, 2013).

Also, early this year, the Bureau of Ocean Energy Management is expected to release a

final environmental impact statement about seismic testing in the Atlantic Ocean and the Gulf of Mexico (Molly Murray, Wilmington [Del.] News Journal, Jan. 10). -- **JE**

## **GULF SPILL:**

# **Appeals court upholds BP's multibillion-dollar settlement**

Published: Monday, January 13, 2014

A three-judge federal panel Friday upheld BP PLC's multibillion-dollar settlement of private claims from the 2010 Deepwater Horizon oil spill, dismissing the oil company's argument that people seeking relief funds should be required to prove they were affected by the spill.

BP had argued that the Constitution prohibited paying claimants unless they could show they had suffered an injury and could prove the oil spill was responsible.

The ruling, written by Judge W. Eugene Davis and joined by Judge James Dennis of the 5th U.S. Circuit Court of Appeals, said the criteria in the settlement were strict enough to meet that standard.

The judges' decision comes as BP has been warning investors it was likely to pay out far more in damages -- at least \$9.4 billion -- than the company first estimated. The oil company is also seeking to raise doubts about the settlement fund, drawing attention to cases that it contends are improper payments (Greenwire, Dec. 24, 2013).

The company "is assessing its legal options and the further implications of the 5th Circuit's decision," BP said in a statement (Mark Schleifstein, New Orleans Times-Picayune, Jan. 10). -- **SP**

## **WATER POLLUTION:**

# Lawsuit alleges holiday fireworks shows are polluting Lake Tahoe

Published: Monday, January 13, 2014

A lawsuit filed against the Lake Tahoe Visitors Authority says fireworks held at the lake on the Fourth of July and Labor Day have polluted the alpine lake.

The suit, filed by Joseph and Joan Truxler of the southeastern shore community of Zephyr Cove, Nev., in the U.S. District Court for the Eastern District of California, says the tourism agency and its fireworks contractor should be fined up to \$75 million for what they say are thousands of Clean Water Act violations over the past five years.

The suit contends the fireworks shows did not obtain a necessary discharge permit and violate California and Nevada laws that prohibit debris on the lake. Joan Truxler said she often found paper, plastic and cardboard tubes along the lakeshore after fireworks events.

The agency and its contractor, Pyro Spectaculars North Inc., have until Feb. 10 to respond to the lawsuit.

The agency's executive director, Carol Chaplin, said the holidays wouldn't be the same without fireworks.

"We've been shooting them off for 30 years, and this is the first time there has been a complaint," Chaplin said (Scott Sonner, [\*AP/Las Vegas Review-Journal\*](#), Jan. 12). -- **SP**

## ARCTIC:

# U.S. must prepare to defend rights as shipping lanes open -- DOD officials

Published: Monday, January 13, 2014

U.S. defense officials predict that the melting of Arctic ice will open up commercial waterways, requiring them to come up with a way to monitor the region.

Such a change -- which would give the United States its first new ocean to police since 1846 -- isn't expected until midcentury, but Navy and Coast Guard officials say the country must prepare now. That runs the gamut from expanding naval exercises in Arctic waters to designing ice-resistant boats.

"The inevitable opening of the Arctic will essentially create a new coast on America's north," said Adm. Jonathan Greenert, the top officer in the Navy.

His agency is expected to release a new Arctic strategy within the coming weeks. According to the draft, the opening of the waters will result in more commercial traffic, oil and gas exploration, and tourism in the region. Some of the issues the Navy will have to address are its lack of "operational experience," a need for ships prepared for extreme weather, and poor satellite coverage.

At the moment, defense in the region depends on the Coast Guard's 40-year-old heavy icebreaker Polar Star, which just came out of retirement, and the service's medium-endurance icebreaker, the Healy.

But preparation will be an issue as Pentagon budget cuts continue.

"This is not a good time to be putting a lot of bills on the table," said Army Gen. Charles Jacoby, the top officer of the Northern Command, which oversees the Arctic (Julian Barnes, *Wall Street Journal*, Jan. 12). -- JE

## **WATER POLLUTION:**

# **W.Va. water ban partially lifted**

Published: Monday, January 13, 2014

West Virginia Gov. Earl Ray Tomblin (D) today lifted the tap water ban in part of the state affected by last week's chemical spill into the Elk River.

People and businesses in downtown Charleston, the state's capital, will be able to use tap water again, Tomblin said at a news conference.

"The numbers we have today look good, and we are finally at a point where the 'do not use order' has been lifted," he said (AP/Wall Street Journal, Jan. 13).

Tomblin said the ban will be lifted methodically in other areas of the nine-county chemical spill site in the Kanawha Valley, where people were told not to use tap water for anything but flushing toilets and fighting fires. About 300,000 people were affected by the spill by West Virginia American Water Co.

Both the White House and the state have declared a state of emergency, while the U.S. attorney in West Virginia and other federal officials have opened an investigation (Greenwire, Jan. 10).

Flushing of the utility's water system began last night, company spokeswoman Laura Jordan said. Residents were told to wait for instructions before cleaning out their own piping and appliances (Ward/White/Gutman/Molenda, Charleston [W.Va.] Gazette, Jan. 12). -- JE

## **NEW JERSEY:**

# **Commission rejects new natural gas pipeline pushed by Gov. Christie**

Published: Monday, January 13, 2014

The New Jersey Pinelands Commission rejected a proposed natural gas pipeline through a vast area of protected forest in the state, dealing a blow to Gov. Chris Christie (R), who had supported the plan.

South Jersey Gas had proposed the project to connect a pipeline to the B.L. England power plant in Cape May County, which is switching from coal power to natural gas.

Christie had pushed the 22-mile pipeline as a key economic development tool for southern New Jersey, but environmentalists said the project would damage the Pinelands, which provide groundwater for millions of residents and contain 17 unique plant species. Four former governors of both parties wrote a letter arguing against the pipeline.

Jeff Tittel, director of the New Jersey Sierra Club, said the rejection was the most

significant environmental achievement since Christie became governor (Michael Powell, *New York Times*, Jan. 11). -- **SP**

**ClimateWire -- Tue., January 14, 2014 -- [Read the full edition](#)**

## **1. ENERGY EFFICIENCY: Muscle cars and trucks lose weight, tune up at Detroit auto show**

The Detroit auto show doesn't have a reputation for being especially "green." Rather, the Motown event is better known as a launch pad for high-horsepower performance vehicles. But even as the demand for supercars and big trucks persists, many automakers are taking steps to slim down and tinker with their traditionally fuel-guzzling vehicles to gain better mileage.

## **2. NEGOTIATIONS: The diplomatic road to a new climate agreement may not end in Paris next year**

It's been more than four years since leaders tried and failed to craft a binding new global climate change treaty in Copenhagen, and as nations head toward a new deal in 2015, the aftershocks of that Danish summit continue to reverberate.

# **TODAY'S STORIES**

## **3. STATES: Calif. legislative analyst calls use of cap-and-trade money for bullet train 'legally risky'**

## **4. BUSINESS: Entrepreneur faces fraud charges in 'clean coal' scheme**

## **5. CARBON CAPTURE: Petroleum-coke-to-gas plant gets financial boost from DOE**

## **6. Transportation: Automakers embrace renewable energy**

**7. AGRICULTURE: Philippines' efforts to be self-sufficient in rice hit by climate change**

**8. ELECTRICITY: Will blackouts shed light on U.K. energy crisis?**

**9. ISLANDS: Climate change may be culprit behind rising Caribbean lakes**

**10. CHINA: Nation's wetlands shrink, damaging its water reserves**

**EnergyWire -- Tue., January 14, 2014 -- [Read the full edition](#)**

**1. EARTHQUAKES: Enviros urge Texas residents to organize as another quake hits**

AZLE, Texas -- Environmentalists told residents to push for tighter regulations on the disposal of fracking waste, which may be linked to a string of earthquakes here over the last three months. More than 250 people turned out for a meeting last night, hours after another small earthquake struck outside of Azle, about 20 miles northwest of Fort Worth. The quake, which measured at magnitude 3.1, was the latest of more than 20 around Azle since the beginning of November.

## **THIS MORNING'S STORIES**

**2. BARNETT SHALE: EPA IG report in Range contamination case leaves unanswered questions**

**3. ELECTRICITY: Generators suggest Texas blackouts loom without market changes**

**4. NATURAL GAS: Alaska moves closer to getting into the pipeline business**

**5. PEOPLE: Texas governor appoints new enviro regulator**

6. LNG: FERC finds impacts from Sempra Energy's export project in La. not significant

7. OFFSHORE DRILLING: Chevron goes after natural gas off Scotland

8. EARTHQUAKES: Kansans consider possible oil and gas link to recent quakes

9. ENERGY FRONTIERS: 'Texas of Italy' seeks to boost oil output

10. TRANSPORT: Canada aims to close crude-by-rail testing loopholes

11. NATURAL GAS: Rural governments rake in drilling revenue as some cities ban fracking

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